

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JIMMY RAY OF THE VAUGHN FAMILY,**

Plaintiff,

v.

**TYLER TUCKER**, Loan Officer; **AVI  
MICAIAH**, Compliance Manager; and  
**CAPITAL M LENDING, LLC**,

Defendants.

Case No. 3:23-cv-326-AR

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Jeffrey Armistead issued Findings and Recommendation in this case on August 23, 2024. Judge Armistead recommended that this Court grant Defendants’ motion to dismiss and dismiss the complaint without leave to amend, concluding that amendment would be futile. No party has filed objections.

Under the Federal Magistrates Act (Act), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1). If a party objects to a magistrate judge’s findings and recommendations, “the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Armistead’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge Armistead’s Findings and Recommendation, ECF 21. The Court GRANTS Defendants’ Motion to Dismiss, ECF 14. This case is dismissed with prejudice.

**IT IS SO ORDERED.**

DATED this 17th day of September, 2024.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge